

REMARKS

Claims 2 and 23 currently are pending in the present application. Applicants have amended claim 23 with this response.

Claim 2 is acknowledged by the Office to be free of the prior art and allowable if amended to an independent form. Applicants have not amended the claim as suggested but respectfully submit that the amendments to independent claim 23 obviate any objection to claim 2 which may be based on its parent claim. Applicants request allowance of claim 2.

Claim 23 is rejected as obvious over Diamond et al. The examiner has asserted that the truncated pp65 peptides of Diamond et al., made to determine the location of immunologically active epitopes, are mutants which fall within the term "mutant" in claim 23. Applicants have deleted the term "mutant" from the claim and inserted language to recite that the pp65 contains a site-specific mutation at amino acid 436 or at both amino acid 436 and amino acid 465. Applicants submit that this amendment overcomes the rejection because Diamond et al. do not disclose or even suggest either of the recited mutations--no skilled person would be directed to the invention of amended claim 23 by referring to Diamond et al. Applicants therefore request that this claim be allowed and the rejection be withdrawn.

Applicants believe that the present application now is in condition for allowance and respectfully request that it proceed to issuance at this time. If any issues remain outstanding in the opinion of the Office, the examiner is invited to telephone the undersigned.

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